

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
EDWARD WOODS and TYRONE HILTON,

Plaintiffs,

-v-

FITZCON CONSTRUCTION/REN CORP., FITZCON
EXCAVATION, ESO HIRF CO INC., RONAN COTTER,
CORNELIUS O'SULLIVAN and MARTIN TEVLIN,

Defendants.

CIVIL ACTION NO.: 20 Civ. 8088 (ALC) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge:

On June 7, 2021, the Court, inter alia, directed Plaintiffs to request certificates of default (the "Certificates") as to defendants Esco Hirf Co Inc. and Martin Tevlin (together, the "Non-Appearing Defendants"), who have failed to appear in this action. (ECF No. 33). On June 14, 2021, Plaintiffs requested the Certificates, which the Clerk of Court entered that same day. (ECF Nos. 35–39). To date, however, Plaintiffs have not moved for default judgment as to the Non-Appearing Defendants. Accordingly, **by January 7, 2022**, Plaintiffs shall either (i) voluntarily discontinue their claims against the Non-Appearing Defendants or (ii) move for default judgment as to the Non-Appearing Defendants in accordance with the Honorable Andrew L. Carter, Jr.'s individual practices. Plaintiffs are warned that failure to comply with this order may result in an order to show cause why their claims against the Non-Appearing Defendants should not be dismissed under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: New York, New York
December 8, 2021

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge